

R E M A R K S

In the Office Action mailed August 04, 2004, the Examiner indicated that Applicants' Amendment & Response to the Office Action mailed October 22, 2004 (the "Previous Response" herein) was "not fully responsive...[because] Applicants' remarks are not commensurate with the actual amendments to the claims and requires clarification." Current Office Action, page 2. Specifically, the Examiner correctly noted that in the Remarks Section of the Previous Response, Applicants stated that claims **1, 2, 9, 11, 13, 15, 17, 19, 22, 28, 30, 35, 47, 48, 74 and 108** were amended, yet the Claim Amendments Section showed marked amendments only to claims **1, 47, 74 and 108**.

Applicants agree that *the text* of Claims **2, 9, 11, 13, 15, 17, 19, 22, 28, 30, 35 and 48** was not amended in the Claim Amendments Section of the Previous Response. However, the *scope* of these claims was in fact amended in the Previous Response, as each of these claims is a claim that refers back to a method claim the text of which was amended. Specifically, each of claims **2, 9, 11, 13, 15, 17, 19, 22, 28, 30, and 35** is an independent article of manufacture claim that defines the claimed article of manufacture in terms of the method of claim **1**. Accordingly, since Applicants amended the text, and therefore the scope, of claim **1** in the Previous Response, Applicants necessarily amended the scope of each of claims **2, 9, 11, 13, 15, 17, 19, 22, 28, 30, and 35**, even though the text of these claims was not amended. Similarly, claim **48** is an article of manufacture claim that defines the claimed article of manufacture in terms of the method of claim **47**. Accordingly, since Applicants amended the text, and therefore the scope, of claim **47** in the Previous Response, Applicants necessarily amended the scope of claim **48** even though the text thereof was not amended.

Applicants additionally note that, as apparent from the above discussion, some of the pending claims are independent claims directed to a first statutory class that define the claimed subject matter by reference back to a claim of a different statutory class. Such claims are proper, so long as the scope of the claims is clearly defined for the public. There are many situations where claims are permissively drafted to include a reference to more than one statutory class of invention. MPEP 2173.05(p)(I). For example, a product-by-process claim, which is a product claim that defines the claimed product in terms of the process by which it is made, is proper. MPEP 2173.05(p)(I). Similarly, a claim to a product may contain a reference to the process in which it is intended to be used without being objectionable under 35 U.S.C. 112, second paragraph, so long as it is clear that the claim is directed to the product and not the process. MPEP 2173.05(p)(I).

In summary, Applicants hereby clarify that although the Remarks Section of the Previous Response was not inaccurate in stating that each of claims **1, 2, 9, 11, 13, 15, 17, 19, 22, 28, 30, 35, 47, 48, 74 and 108** was amended therein, Applicants should have more precisely stated that the *scope* of each of claims **1, 2, 9, 11, 13, 15, 17, 19, 22, 28, 30, 35, 47, 48, 74 and 108** was amended therein while the *text* of only claims **1, 47, 74 and 108** was amended therein.

Applicants have in this communication attempted to clarify the status of the claims and which claims were amended in the Previous Response. If the Examiner remains concerned that the status of the claims remains unclear or that further clarification is necessary for any reason, the Examiner is cordially invited to contact Applicants' representative via the information provided below.

Conclusion

For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Magdalena M. Fincham at telephone number 203-461-7041 or via electronic mail at mfincham@walkerdigital.com.

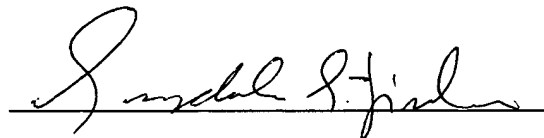
Petition for Extension of Time to Respond

Applicants are not aware of any fee or petition for extension of time as being due with the present response. However, if a fee for an extension of time should be due, please charge any such fee to Deposit Account 50 – 0271. Further, if an extension of time is required, please grant a petition for that extension of time which is required to make this Response timely.

Charge any additional fees or credit any overpayment to the same account.

A duplicate copy of this authorization is enclosed for such purposes.

Respectfully submitted,



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Date